

# OFFICE OF FINANCIAL AND INSURANCE SERVICES

## JOB VACANCY NOTICE

**CLASS/LEVEL:** Administrative Law Specialist 13/14/P15

**DIVISION/SECTION:** Office of Financial Evaluation

**DEADLINE TO RESPOND:** 6-9-06

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 INTERESTED APPLICANTS SHOULD SUBMIT A COPY OF COLLEGE TRANSCRIPTS (INTERNET BASED TRANSCRIPTS WILL NOT BE ACCEPTED, IF APPLICABLE), RESUME, OFIS APPLICATION LEGAL WRITING SAMPLE AND COVER LETTER TO DLEG, OFFICE OF FINANCIAL AND INSURANCE SERVICES, HUMAN RESOURCES/BUDGET DIVISION/OFIS 06-13, P.O. BOX 30220, LANSING, MICHIGAN 48909 OR FAX TO (517) 335-1450 BY THE DEADLINE DATE.

|                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                               |
|-------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|
| COUNTY/LOCATION         | Ingham/Lansing                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                               |
| PAY RANGE               | \$21.31-\$40.09/hour                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                               |
| DESCRIPTION OF POSITION | This position works with compliance cases alleging violations of the state and federal laws, from completion of investigation to final resolution by settlement or formal administrative hearing. Cases involve such issues as whether entities have committed unfair trade practices, engaged in improper financial conduct or other conduct prohibited by statute. These statutes include the Secondary Mortgage Loan Act of 1981 and the Mortgage Brokers, Lenders and Servicers Act of 1987 and the Consumer Financial Services Act. This position represents bureau staff in contested and non-contested administrative proceedings before the commissioner. |                                                                                                                               |
| EDUCATION               | Possession of a juris doctorate degree.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                               |
| EXPERIENCE              | Administrative Law Specialist 13 - None. Administrative Law Specialist 14 – One year of experience in legal work equivalent to an Administrative Law Specialist or Administrative Law Examiner in state service or one year of professional legal experience as an attorney. Administrative Law Specialist P15 – Two years of experience in legal work including one year as an Administrative Law Specialist 14 or Administrative Law Examiner 14 in state service or two years of professional legal experience as an attorney.                                                                                                                                 |                                                                                                                               |
| SPECIAL REQUIREMENTS    | Membership in the State Bar of Michigan.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                               |
| RESPOND TO              | Posting No.:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | OFIS 06-13                                                                                                                    |
|                         | Address:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | DLEG, Office of Financial & Insurance Services, Human Resources/Budget Division/OFIS06-13, P. O. Box 30220, Lansing, MI 48909 |

|  |                 |                |
|--|-----------------|----------------|
|  | E-Mail Address: |                |
|  | Fax:            | (517) 335-1450 |

The State of Michigan is an Equal Opportunity Employer  
Civil Service Rule 1-7 states: All persons offered employment in the classified service are required to submit to  
and pass a pre-employment drug test as a condition of employment

**This is an announcement of a position vacancy and does not constitute an offer of  
employment.**

1. Position Code  
ADMSPLEA07N

State of Michigan  
Department of Civil Service  
Capitol Commons Center, P.O. Box 30002  
Lansing, MI 48909

Federal privacy laws and/or state  
confidentiality requirements protect  
a portion of this information.

**POSITION DESCRIPTION**

This form is to be completed by the person that occupies the position being described and reviewed by the supervisor and appointing authority to ensure its accuracy. It is important that each of the parties sign and date the form. If the position is vacant, the supervisor and appointing authority should complete the form.

This form will serve as the official classification document of record for this position. Please take the time to complete this form as accurately as you can since the information in this form is used to determine the proper classification of the position. **THE SUPERVISOR AND/OR APPOINTING AUTHORITY SHOULD COMPLETE THIS PAGE.**

|                                                                                                         |                                                                                                                        |
|---------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|
| 2. Employee's Name (Last, First, M.I.)                                                                  | 8. Department/Agency<br><br>LABOR & ECONOMIC GROWTH                                                                    |
| 3. Employee Identification Number                                                                       | 9. Bureau (Institution, Board, or Commission)<br><br>OFFICE OF FINANCIAL AND INSURANCE SERVICES                        |
| 4. Civil Service Classification of Position<br><br>ADMINISTRATIVE LAW SPECIALIST 13/14/P15              | 10. Division<br><br>OFFICE OF FINANCIAL EVALUATION                                                                     |
| 5. Working Title of Position (What the agency titles the position)<br><br>ADMINISTRATIVE LAW SPECIALIST | 11. Section                                                                                                            |
| 6. Name and Classification of Direct Supervisor<br>RICHARD LAVOLETTE, STATE OFFICE ADMINISTRATOR 17     | 12. Unit                                                                                                               |
| 7. Name and Classification of Next Higher Level Supervisor<br>LINDA WATTERS, COMMISSIONER, UNCLASSIFIED | 13. Work Location (City and Address)/Hours of Work<br>611 W. OTTAWA, LANSING<br>8:00 A.M. - 5:00 P.M., MONDAY - FRIDAY |

**14. General Summary of Function/Purpose of Position**

This position works with compliance cases alleging violations of the state and federal laws, from completion of investigation to final resolution by settlement or formal administrative hearing. Cases involve such issues as whether entities have committed unfair trade practices, engaged in improper financial conduct or other conduct prohibited by statute. These statutes include the Secondary Mortgage Loan Act of 1981 and the Mortgage Brokers, Lenders and Servicers Act of 1987 and the Consumer Financial Services Act. This position represents bureau staff in contested and non-contested administrative proceedings before the commissioner.

**For Civil Service Use Only**

**15. Please describe your assigned duties, percent of time spent performing each duty, and explain what is done to complete each duty.**

**List your duties in the order of importance, from most important to least important. The total percentage of all duties performed must equal 100 percent.**

Duty 1

**General Summary of Duty 1** % of Time 40

Prepare compliance cases for bureau enforcement actions.

**Individual tasks related to the duty.**

- Evaluate the legal & tactical issues in matters referred for enforcement action.
- Identify evidentiary requirements for compliance investigations and examinations.
- Analyze compliance cases to identify the legal and factual issues involved.
- Draft allegations in the forms of Notice of Opportunity to Show Compliance (NOSC), Notice of Hearing, Notice of Intention to Revoke License, Cease & Desist Orders and other orders and pleadings in administrative enforcement cases for approval of commissioner and chief deputy commissioner.

Duty 2

**General Summary of Duty 2** % of Time 30

Organize and conduct compliance conferences and organize post compliance work.

**Individual tasks related to the duty.**

- Chair informal compliance conferences to discuss allegations with entities.
- Following conferences, determine whether entity has demonstrated compliance with applicable statutes, the Secondary Mortgage Loan Act of 1981 and the Mortgage Brokers, Lenders and Servicers Act of 1987. This requires research and analysis of the foregoing statutes, case law, Attorney General opinions and other legal materials.
- Where an entity has failed to demonstrate compliance, negotiate resolution of the case, if warranted.
- Draft stipulations and consent orders for approval by commissioner and chief deputy commissioner.
- Revise NOSC, when needed, in cases not resolved by consent order.
- Draft formal Notice of Hearings, Pleadings and Orders to be issued by commissioner.

Duty 3

**General Summary of Duty 3**

**% of Time** 20

Represent the bureau staff in formal administrative hearings before the commissioner.

**Individual tasks related to the duty.**

- Conduct prehearing discovery (take depositions, prepare interrogatories and requests for admissions and documents) in accordance with Michigan court rules.
- Represent bureau staff at hearings conducted according to rules of evidence, administrative procedures act and bureau regulations (offer documents and testimony into evidence during administrative hearings).
- Evaluate proposals for decision in formal hearings and where appropriate file exceptions with the commissioner
- In cases where entity fails to respond to Notice of Hearing, prepare and present motion for default and final decision by default.

Duty 4

**General Summary of Duty 4**

**% of Time** 10

Perform special assignments from commissioner and chief deputy commissioner.

**Individual tasks related to the duty.**

- Represent commissioner and bureau staff at hearings in which bureau staff is not directly involved as a party or prosecutor.
- Prepare reports requiring legal research and evaluation of the applicability of laws to various situations.
- Conduct legal research and present findings to chief deputy commissioner and commissioner.
- Other duties falling within the classification of administrative law specialist 13/14/P15 as assigned.

Duty 5

**General Summary of Duty 5**

**% of Time** \_\_\_\_\_

**Individual tasks related to the duty.**

- 

Duty 6

**General Summary of Duty 6**

**% of Time** \_\_\_\_\_

**Individual tasks related to the duty.**

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16. Describe the types of decisions you make independently in your position and tell who and/or what is affected by those decisions. Use additional sheets, if necessary.

Determine whether compliance action should be initiated; settlement of a compliance case should be offered to an entity and what the terms of such a settlement should be. Determine whether a notice of hearing should be issued and an appeal of a proposal for decision should be filed. The person in this position prosecutes administrative enforcement cases from beginning to end with little or no supervision.

17. Describe the types of decisions that require your supervisor's review.

Dismissal of a compliance case; referral of case to Office of Attorney General or settlement of cases of unusual importance.

18. What kind of physical effort do you use in your position? What environmental conditions are you physically exposed to in your position? Indicate the amount of time and intensity of each activity and condition. Refer to instructions on page 2.

Position duties and tasks are performed in a traditional office environment which includes considerable sitting, occasional standing, limited lifting, microcomputer usage and normal office routines. Occasional in-state or out-of-state travel may be required.

19. List the names and classification titles of classified employees whom you immediately supervise or oversee on a full-time, on-going basis. (If more than 10, list only classification titles and the number of employees in each classification.)

NAME

CLASS TITLE

NAME

CLASS TITLE

20. My responsibility for the above-listed employees includes the following (check as many as apply):

☐ Complete and sign service ratings.

☐ Assign work.

☐ Provide formal written counseling.

☐ Approve work.

☐ Approve leave requests.

☐ Review work.

☐ Approve time and attendance.

☐ Provide guidance on work methods.

☐ Orally reprimand.

☐ Train employees in the work.

21. I certify that the above answers are my own and are accurate and complete.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**NOTE: Make a copy of this form for your records.**

**TO BE COMPLETED BY DIRECT SUPERVISOR**

- 22. Do you agree with the responses from the employee for Items 1 through 20? If not, which items do you disagree with and why?**  
I agree.

- 23. What are the essential duties of this position?**

The essential duties of this position are to carry out the enforcement function. This position requires knowledge of administrative law and procedure, legal drafting and the ability to represent the bureau staff in certain cases in administrative hearings. The duties must be conducted according to Michigan court rules, administrative procedures act and bureau regulations. Professional knowledge and experience in administrative law and bureau regulations are the primary guidelines in selecting the course of action appropriate for each case. The cases managed by the incumbent include cases which have significant importance for the bureau.

- 24. Indicate specifically how the position's duties and responsibilities have changed since the position was last reviewed.**

- 25. What is the function of the work area and how does this position fit into that function?**

This position performs the actions required in the compliance process, such as performing legal research, drafting notices, settlements, briefs and exceptions and presentation of a case before an administrative law examiner and negotiating settlements.



**26. In your opinion, what are the minimum education and experience qualifications needed to perform the essential functions of this position.**

**EDUCATION:**

Possession of a juris doctorate degree.

**EXPERIENCE:**

Administrative Law Specialist 13 - None.

Administrative Law Specialist 14 – One year of experience in legal work equivalent to an Administrative Law Specialist or Administrative Law Examiner in state service or one year of professional legal experience as an attorney.

Administrative Law Specialist P15 – Two years of experience in legal work including one year as an Administrative Law Specialist 14 or Administrative Law Examiner 14 in state service or two years of professional legal experience as an attorney.

**KNOWLEDGE, SKILLS, AND ABILITIES:**

- Knowledge of Michigan financial services laws, other applicable statutes, rules and regulations, policies and procedures.
- Ability to interpret regulations and statutes in making decisions.
- Ability to communicate clearly and effectively with others, both verbally and in writing.
- Ability to exercise considerable tact and diplomacy when dealing with complex, sensitive and confidential regulatory matters.
- Knowledge of legal drafting, court rules, rules of evidence.

**CERTIFICATES, LICENSES, REGISTRATIONS:**

Membership in the State Bar of Michigan.

*NOTE: Civil Service approval of this position does not constitute agreement with or acceptance of the desirable qualifications for this position.*

**27. I certify that the information presented in this position description provides a complete and accurate depiction of the duties and responsibilities assigned to this position.**

\_\_\_\_\_  
Supervisor's Signature

\_\_\_\_\_  
Date

**TO BE FILLED OUT BY APPOINTING AUTHORITY**

**28. Indicate any exceptions or additions to the statements of the employee(s) or supervisor.**

**29. I certify that the entries on these pages are accurate and complete.**

\_\_\_\_\_  
Appointing Authority's Signature

\_\_\_\_\_  
Date